



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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July 31, 2009

Revision #1

A public meeting of the Arizona Game and Fish Commission will be held on August 7-8, 2009, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, August 7, 2009, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

1. Executive Session

- a. Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et al. C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Center for Biological Diversity Notice of Claim.*
- b. Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01(A)(1). The Commission may decide this matter in the public session or defer a decision to a later date.

Additional Item

- c. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding the Kofa Mountains Complex Predation Management Plan.
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Pledge of Allegiance.

Awards and Recognition.

2. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Center for Biological Diversity Notice of Claim.*
3. **Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
4. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Information, Education and Watchable Wildlife Activities Briefing.** The Commission will be given an update of Department activities and events related to Information, Education and Watchable Wildlife Programs. The update covers activities and events that have occurred since the June 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
5. **Presenter: Eric S. Gardner, Nongame Branch Chief. Nongame Subprogram Activities Briefing; April 1, 2009 through July 31, 2009.** The Commission will be briefed regarding activities under the Nongame Subprogram; April 1, 2009 through July 31, 2009. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.

Additional Item

- 5.A **Presenter: Terry B. Johnson, Endangered Species Coordinator. Briefing on Mexican Wolf Reintroduction in Mexico and the Possible Ramifications of Post-Release Dispersal into southern Arizona and New Mexico at Time Certain 10:30 a.m.** The Commission will be briefed by the Arizona Game and Fish Department and the U.S. Fish and Wildlife Service on Mexican Wolf reintroduction in Mexico and the possible ramifications of post-release dispersal into southern Arizona and New Mexico at Time Certain 10:30 a.m. Mexico is planning to release captive wolves in northern Sonora-Chihuahua, perhaps as soon as October-November 2009. The Commission briefing will cover Mexico's reintroduction plans and provide information on the legal (protected) status of wolves that disperse north into Arizona or New Mexico and on how such wolves will be detected and managed. The Service will also provide information on its perceptions regarding possible roles that other governmental entities in Arizona and New Mexico might be asked to play in this endeavor and how the interested and affected publics will be informed about it. The Department will provide a summary of current Commission guidance on Department participation in Mexican wolf conservation in the United States and Mexico. The Commission may vote to provide new or additional policy guidance to the Department on participation in Mexican wolf conservation in Mexico.

- 6. Presenter: Josh Avey, Habitat Branch Chief. Lands and Habitat Program Update.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the June 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
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Additional Item

- 6.A Presenter: Gary R. Hovatter, Deputy Director, I.E.D/F.O.D. Update to the Commission on the Kofa National Wildlife Refuge Environmental Assessment and Kofa Mountain Complex Predation Management Plan.** The Department will provide the Commission with an update of the current status of the Kofa National Wildlife Refuge Environmental Assessment for mountain lion management on the refuge. The Commission may vote to take action on, or provide the Department direction on the items covered in the update.
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- 7. Consent Agenda** – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.

- a. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Right-of-Way Renewal Through State Land for Legal Access to the Cluff Ranch Wildlife Area, Graham County, Arizona.** The Commission will be asked to vote to approve the right-of-way renewal through State Land for legal access to the Cluff Ranch Wildlife Area, Graham County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Right-of-Way Grant for a Flood Control Monitoring System at Tufa Tank Site in Mohave County, Arizona.** The Commission will be asked to vote to approve a right-of-way grant for a Flood Control Monitoring System at Tufa Tank Site in Mohave County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- c. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval of a Utility Permit Agreement Between the Commission and Arizona Public Service (APS) for Operation and Maintenance of Electrical Poles and Lines Through the Commission's Property at the Flagstaff Regional Office.** The Commission will be asked to vote to approve a utility permit agreement between the Commission and APS for operation and maintenance of electrical poles and lines through the Commission's

property at the Flagstaff Regional Office. The Commission may vote to take action on, or provide the Department direction on this item.

d. Presenter: Eric Gardner, Nongame Branch Chief. Request for the Commission to Approve an Amendment to the Memorandum of Understanding (MOU) with the National Audubon Society, Inc. (NAS) for the Purpose of Explicitly Recognizing Arizona Audubon Chapters as part of the NAS with whom the Department may Partner on Conservation and Education Programs of Mutual Interest. The Commission will be asked to vote to approve an amendment to the existing MOU with the NAS for the purpose of explicitly recognizing Arizona Audubon chapters as part of the NAS with whom the Department may partner on conservation and education programs of mutual interest. The Commission may vote to take action on, or provide the Department direction on this item.

8. Presenter: Mark Weise, Development Branch Chief. Landowner-Lessee/Sportsman Relations Committee Appointment. The Department's Landowner Relations Program has received nominations from five individuals who would like to fill the vacant sportsman's representative spot on the Landowner-Lessee/ Sportsman Relations Committee. Mr. John Koleszar, Mr. Larry Audsley, Mr. Steven Carmickle, Mr. Reginald Beck, and Mr. Glen Dickens are all avid sportsmen and very interested in access issues. The Commission may vote to take action on, or provide the Department direction on this item.

9. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (Begins at 12:00 p.m.)

10. Presenter: Gene Elms, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Herrell, Mark	Count A: Possess unlawfully taken mule deer Count B: Take deer in wrong unit
Evans, Richard-0031	Count B: Take deer in excess of bag limit
Evans, Richard-0032	Count A: Take deer without a valid tag
Evans, Richard-0071	Count A: Take deer during the closed season

Evans, Richard-0087	Count 4: Take elk without a valid permit Count 5: Knowingly take elk during the closed season
Evans, Richard-0090	Count 10: Take bear without valid permit Count 11: Knowingly take bear in the closed season
Gustafson, Cameron	Count A: Obtain resident hunt license by fraud
Martinez, Giovanni	Count A: Take deer (decoy) without a valid tag Count B: Take deer (decoy) by unlawful method
Santana, Delfino	Count A: Obtain license by fraud

11. Presenter: Harry Seck, Assistant Director, Special Services Division. Request by Mr. Jerry Reynolds requesting that he return his 2009 archery bull elk permit, refund the cost of the permit and restore his bonus points. Mr. Jerry Reynolds is requesting a hearing before the Arizona Game and Fish Commission to return his 2009 archery bull elk permit, refund the cost of the permit and restore his bonus points. The Commission may vote to take action on, or provide the Department direction on this item.

12. Presenter: Jim Kenna, Director, BLM. A Presentation to the Commission on BLM – Arizona strategic goals. Director Kenna will present to the Commission his BLM – Arizona strategic goals. This presentation is for information only, no action will be taken by the Commission.

Additional Items

13. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Arthur Cook has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his licenses to hunt, fish, and trap for a period of five (5) years, invoking a shared civil assessment of \$1,500.00, and further requiring that he complete a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

14. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Theresa Gurnett has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of her licenses to hunt, fish, and trap for a period of five (5) years, invoking a shared civil assessment of \$1,500.00, and further requiring that she complete a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

15. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Saturday, August 8, 2009, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

- 1. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Shooting Sports Activities Briefing.** The Commission will be given an update of Department activities related to shooting sports including shooting programs and shooting range development statewide. The update covers activities that have occurred since the June 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 3. Presenter: Brian F. Wakeling, Game Branch Chief. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2010 Hunting Seasons.** The Commission will consider and may vote to approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals is available for public review at all Department offices.
- 4. Presenter: Mike Rabe, Small Game Program Supervisor. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2009-2010 Hunting Season.** The Commission will consider and may vote to approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals is available for public review at all Department offices.
- 5. Presenter: Harry Seck, Assistant Director, Special Services Division. Hunt Permit-tag Application Schedule for Spring 2010 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2010 hunts. The Commission may vote to take action on, or provide the Department direction on this item.
- 6. Presenter: Harry Seck, Assistant Director, Special Services Division. E-Commerce Update.** The Commission will be provided with an update on the status of the Department's E-Commerce activities. The update will include information for online watercraft registration renewals, license sales and big game applications. The Commission may vote to take action on, or provide the Department direction on items covered in the update.

Additional Item

7. Presenter: Mike Senn, Assistant Director, Wildlife Management Division. Update on Commission Workshop Planned for August 21-22, 2009. The Commission will be updated on possible agenda items and arrangements for the Commission Work Session planned for August 21-22, 2009 at the Arizona Game and Fish Department Offices in Phoenix, AZ. The Commission may vote to take action on, or provide the Department direction on, items covered in this update.

8. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

9. Review and Update of Upcoming Commission Calendar Activities and Events. The Commission has been provided with a calendar of events covering 60 days. The Commission may discuss and vote to take action on Commission attendance regarding the list of provided events.

10. Director's and Chairman's Reports. The Director and the Chairman will report on Department and Commission activities since the last meeting. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

11. Commissioners' Reports. The Commissioners will report on their activities since the last meeting related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

12. Approval of Minutes and Signing of Minutes. The Commission will be asked to approve the Commission meeting minutes from the June 26-27, 2009, and if approved, the signing of the minutes from the June 26-27, 2009.

13. Future Agenda Items and Action Items.

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff,

Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

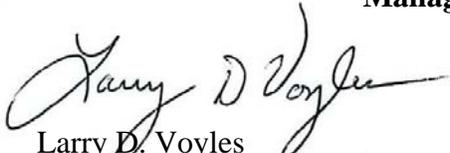
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”



Larry D. Voyles
Director